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TECH CENTER 1600/2900 PATENT

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Tue 6/24/02
Date

Stephanie Jansen
Stephanie Jansen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lawrence H. Thompson
Serial No. : 09/637,962
Filed : August 11, 2000
Title : THERAPEUTIC METHODS FOR TREATING SUBJECTS WITH A RECOMBINANT ERYTHROPOIETIN HAVING HIGH ACTIVITY AND REDUCED SIDE EFFECTS

*11/8
M.J.J
6/27/02*



Attorney Docket No.: 500731.01

Group Art Unit : 1647

Examiner : Regina M. DeBerry

Box Non-Fee Amendment
Commissioner of Patents
Washington, DC 20231

AMENDMENT IN RESPONSE TO SPECIES ELECTION REQUIREMENT

Sir:

We are in receipt of the Office communication dated May 16, 2002. Please amend the application as follows.

In the Claims:

Please amend claim 66 as follows:

*Put C17
B1*

66. (Amended) A method of treating or preventing an anemic condition in a subject, comprising, administering a therapeutic amount of a recombinant erythropoietin produced in baby hamster kidney cells, wherein the amount of recombinant erythropoietin is selected to provide a therapeutic benefit within a treatment period, and wherein said subject is non-responsive or adversely effected by treatment with a therapeutic amount of Epoetin Alfa or Beta.

1647

FEE TRANSMITTAL SHEET
(FOR FY 2002)

TRADEMARKS/TRADEMARKS

JUN 17 2002

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JUN 21 2002

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| Complete if Known | |
|----------------------|----------------------|
| Application No. | 09/637,962 |
| Filing Date | August 11, 2000 |
| First Named Inventor | Lawrence H. Thompson |
| Group Art Unit | 1647 |
| Examiner | Regina M. DeBerry |
| Atty. Docket Number | 500731.01 |

METHOD OF PAYMENT (Check One)

1. The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | | | | |
|--------------|--------------|----------|----------|---|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | |
| 101 | 740 | 201 | 370 | <input type="checkbox"/> Utility Filing Fee | |
| 106 | 330 | 206 | 165 | <input type="checkbox"/> Design Filing Fee | |
| 108 | 740 | 208 | 370 | <input type="checkbox"/> Reissue Filing Fee | |
| 114 | 160 | 214 | 80 | <input type="checkbox"/> Provisional Filing Fee | |
| Subtotal (1) | | | | \$ 0 | |

2. EXTRA CLAIM FEES

| Current Claims | Prior | Extra | Fee | Fee Paid |
|---------------------------|-------|-------|------|-------------------|
| Total | 24 | - 116 | = 0 | x \$ 18 = \$ 0 |
| Ind. | 1 | - 7 | = 0 | x \$ 84 = \$ 0 |
| Multiple Dependent Claims | | | x \$ | = \$ |
| | | | | Subtotal (2) \$ 0 |

Large Entity

Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent Claim |
| 109 | 84 | 209 | 42 | Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | Reissue claims in excess of 20 and over original patent |

3. ADDITIONAL FEES

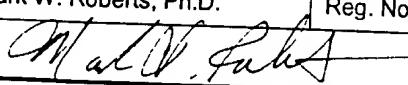
| Large Entity | Small Entity | | | | |
|---------------------|--------------|----------|----------|--|-------------------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee paid |
| 105 | 130 | 205 | 65 | Surcharge - Late filing fee or oath | \$ |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | \$ |
| 139 | 130 | 139 | 130 | Non-English specification | \$ |
| 147 | 2,520 | 147 | 2,520 | For Filing a Request for Reexamination | \$ |
| 195 | 300 | 196 | 300 | Publication (early or Republication) | \$ |
| 115 | 110 | 215 | 55 | Extension for reply within first month | \$ |
| 116 | 400 | 216 | 200 | Extension for reply within 2 nd month | \$ |
| 117 | 820 | 217 | 460 | Extension for reply within 3 rd month | \$ |
| 118 | 1,440 | 218 | 720 | Extension for reply within 4 th month | \$ |
| 128 | 1,960 | 280 | 980 | Extension for reply within 5 th month | \$ |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | \$ |
| 121 | 280 | 270 | 140 | Request for oral hearing | \$ |
| 148 | 110 | 248 | 55 | Terminal Disclaimer Fee | \$ |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | \$ |
| 141 | 1,280 | 241 | 640 | Petition to revive – unintentional | \$ |
| 142 | 1,280 | 242 | 640 | Utility/Reissue issue fee (+ advance copies) | \$ |
| 143 | 460 | 243 | 230 | Design issue fee (+ advance copies) | \$ |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | \$ |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | \$ |
| 126 | 180 | 126 | 180 | Submission of IDS | \$ |
| 581 | 40 | 81 | 40 | Recording each patent assignment per property (times number of properties) | \$ |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | \$ |
| Other fee (specify) | | | | | |
| | | | | | Subtotal (3) \$ 0 |
| | | | | | Total Amount of Payment: \$ 0 |

Submitted by:

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Signature: 

Date: 6/16/02